

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GUZMAN CONSTRUCTION SOLUTIONS, LLC,

Plaintiff,

vs.

No. CIV 11-0853 JB/WDS

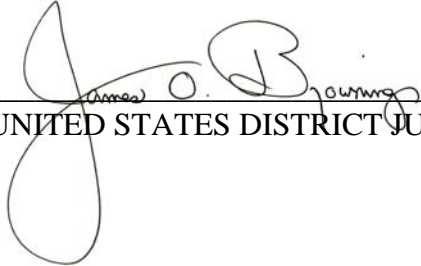
FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION,

Defendant.

ORDER

THIS MATTER comes before the Court on the Plaintiff Guzman Construction Solutions, LLC's Motion for Temporary Restraining Order, filed September 23, 2011 (Doc. 2) ("Motion"). The Court held a telephonic hearing on September 23, 2011. The primary issue is whether the Court should enter a temporary restraining order prohibiting the Defendants from implementing the Order to Cease All Transportation in Interstate and Intrastate Commerce Effective Sunday September 25, 2011 at 12:01 a.m. The Court will grant the Motion and issue a temporary restraining order ("TRO"), because it finds that Plaintiff Guzman Construction Solutions, LLC ("Guzman") has shown that it will suffer irreparable injury unless some temporary restraining order issues given the liquidated damages clauses in Guzman's contracts, Guzman has by a preponderance of the evidence that it prevail on the merits of the claims because of the lack of notice and hearing and that the restraining order would not be adverse to the public policy. The order will expire on Monday September 26, 2011 at 12:00 p.m.

IT IS ORDERED.



UNITED STATES DISTRICT JUDGE

Counsel:

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